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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/846,907

Filing Date: May 01, 2001

Appellant(s): KIMURA, SHINYA

Sharp Kabushiki Kaisha

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 27, 2006 appealing from the Office action mailed June 29, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37

CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include:

(1) a concise explanation of the subject matter defined in each of the

independent claims involved in the appeal, referring to the specification by

page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The brief is deficient because there fails to include much material being referenced from the specification. The appellant brought in inherency explanations on page 6 of appeal brief, rather than showing that the specification discusses the display means and the input means are both associated with the human LAN administrator. Specification does not explain or discuss that it is inherent in an access point. The display means and the input means are not both associated with the human LAN administrator. In addition, the present specification and the present claims fails to make it abundantly clear that is displayed to a human Network Administrator at his computer console because a display to a machine makes no sense in the context of the claims. On pages 12-13 and throughout the specification indicates that the function of notifying the user of the presence of an authorization-requesting mobile station (pg.13, lines 15-25), where this does not limit appellant's alleged inherency that the

displaying is to a human LAN administrator and the display means can be entered via the input means by the human network administrator as in claim 1 on lines 10-11 and 16-17.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,539,824

Bjorklund, et al.

07/1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjorklund, et al. (US 5,539,824).

AS PER CLAIM 1:

Bjorklund, et al. discloses an access point device having an interface function with a network constructed of wired transmission channels and establishing datalink connection with a plurality of mobile stations within the area of a radio LAN, the access point device comprising:

display means; and **[COL.7, lines 14-16]**

input means, wherein when performing an authentication procedure before a particular mobile station initiates an association procedure **[COL.3, lines 43-44 and COL.5, lines 31-32]**, the display means displays information

[COL.4, lines 28-30 and COL.5, lines 33-35] regarding the mobile station requesting authentication to a LAN administrator **[COL.2, lines 38-40 and COL.4, line 60]** for final authorization of the authentication procedure when the mobile station is in the area in response to a notification of the presence of the authentication requesting mobile station **[COL.3, lines 58-59 and COL.7, lines 5-8 and 59-61]**, and wherein an authentication-authorizing or -rejecting instruction for the mobile station displayed by the display means **[COL.6, lines 25-26 and 58-60]** can be entered via the input means by the network administrator. **[COL.7, line 66 – COL.8, line 1]**

AS PER CLAIM 2: As rejected above by Bjorklund discussing a method using the device according to claim 1.

(10) Response to Argument

Appellant states on page 9 of the brief that the examiner refuses to enter Amendment After Final Rejection. The examiner have not received nor on record were there any amendment sent in to the office. The examiner only received appellant's arguments after the Final Office action (11/28/2005) and has responded in the Advisory office action (12/29/2005) but there were no amendment for claims 1-2.

As stated in appellant's appeal brief on page 13, that appellant acknowledges and agrees that the Bjorklund art teaches information is

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forwarded from the mobile station to the network manager via its human operator (network administrator) by telephone or any other written or verbal means (3rd paragraph). Hence, claim 1 is taught by Bjorklund.

On page 14 of appeal brief:

The examiner traverses the argument on the first paragraph. Bjorklund does not possess the contemplation whether a presence of human operators at the location of both the mobile station and the Network Manager because Bjorklund indicates any other written/verbal means. Any written form as taught in Bjorklund can be given in light of appellant's display where in written form have to be inputted and be visual to a human. Thus, the written means of Bjorklund teaches the claimed invention of a mobile station initiating an association procedure, display means for displaying information, and authentication-authorizing instruction for the mobile station displayed by the display means can be entered via the input means (col.4, lines 5-39 and col.4, lines 46-48) by the network administrator where both the LAN and the network administrator is human operator (col.7, lines 13-16). In addition to written means, there must be human administrators if Bjorklund teaches telephone or verbal means.

The examiner traverses the argument on the second paragraph that there fails to disclose the authentication or the ability to deny the mobile station access to the network by inputting entered to an access point to the

LAN via the input means. The claimed invention limits either an authentication or a rejecting instructions and not both. Therefore, the Bjorklund art meets the authentication limitation (col.7, lines 36-67). The authentication-authorizing fails to further claim what is involved in the authentication-authorizing process, thus, any type of authentication that ensures security and authenticity of the mobile requesting access is the claimed authentication-authorizing. Appellant acknowledges that Bjorklund teaches the mobile station does not have the same name as another mobile terminal on the network, which is one type of authentication-authorizing process where this ensures the authenticity of one mobile station from another mobile. Another authentication-authorizing of Bjorklund is generating authentication keys and encryption/decryption (col.5, lines 22-67).

As for the third paragraph, Bjorklund teaches information such as the stored UA data is displayed and the remote mobile station name and address indications are forwarded to the network manager either by telephone or by any other written/verbal means to the corresponding operator (col.4, lines 27-32). The information being forwarded and displayed is the requesting authentication to a LAN administrator.

On page 15 of appeal brief:

The examiner traverses appellant's argument (2nd paragraph, lines 2-4) that Bjorklund failing to have means to veto an association sought by a

particular mobile station with the network via an “input means”. Claim 1 recites the authentication-authorizing or rejecting instructions for the mobile station. Hence, the authentication-authorizing sought by the mobile station is discussed in Bjorklund where the purpose of the invention is to enable performing an authentication process used to verify a station (col.3, lines 43-45). The authentication-authorizing for the mobile station of Bjorklund is remote station name and address indications are forwarded to the network manager by telephone or by any other written/verbal means (col.4, lines 7-9) and retrieving the UA address where the network manager uses a predefined secure (authenticated) protocol (col.4, lines 28-31 and 59-67). In addition, the authentication process includes performing the operations for authentication key (K1) initialization, generation of network key (Knet), and the network manager generates an authentication requesting message (col.5, lines 22-67).

The examiner traverses the argument (2nd paragraph on lines 5-7), where appellants indicates that the “no display of information regarding the input characteristics of the mobile station is provided by the Network Manager for viewing by the human network administrator as herein claimed”. However, the network administrator is human is not claimed. Claim 1 merely claims displaying information to the LAN administrator and input means by the network administrator which leaves it open to whether both the administrators is human or software but in any case Bjorklund does teach the broadly claimed invention. Innuendo, appellant’s claimed invention does include the limitation

of a LAN administrator and the network administrator is human, the Bjorklund art does teach this limitation. Bjorklund indicates any other written/verbal means where any written form can be given in light of appellant's display where in written form have to be inputted and be visual to a human (col.4, lines 27-32). Thus, the written means of Bjorklund teaches the claimed invention of a mobile station initiating an association procedure, display means for displaying information, and authentication-authorizing instruction for the mobile station displayed by the display means can be entered via the input means (col.4, lines 5-39 and col.4, lines 46-48) by the network administrator where both the LAN and the network administrator is human operator (col.7, lines 13-16).

On page 16-17 of appeal brief:

Appellant has agreed that the wireless manager in Bjorklund has a display and input means. However, on the last paragraph of page 16, appellant does not agree that Bjorklund teaches having a display associated with the network manager displays information regarding the mobile station. Bjorklund enables performing an authentication procedure used to verify a station that does not usurp the identification of someone else (col.3, line 57-col.4, line 2), where the process further includes operations for authentication key initialization and generating keys (i.e. K1, K2, Knet) (col.4, lines 8-9), displaying the stored UA data, and remote mobile station name and address indications is being forwarded to the network manager by telephone or by any

other written/verbal means to the corresponding operator (col.4, lines 27-31). Another example of a display of information is where the Knet is displayed to the Wireless manager operator to be forwarded by telephone or any other verbal/written means (col. 7, lines 13-16). Therefore, Bjorklund does teach display means associated with the network manager displays information regarding the mobile station.

The examiner traverses the argument on page 17, that Bjorklund is insufficient to teach or disclose the display means. Appellant has agreed that in Bjorklund, “the only indication of a display content actually appearing thereon is in connection with information generated by the network regarding keys and names that are assigned to various stations”. This acknowledges that there are information for the various stations being displayed. Claim 1 merely recites displays information regarding the mobile station requesting authentication to a LAN administrator for final authorization. The claimed information broadly recites data (information) that is used for authentication-authorizing purposes. Bjorklund teaches the claimed authentication-authorizing for the mobile station for final authorization involves retrieving the UA address which the network manager uses a predefined secure (authenticated) protocol (col.4, lines 28-31 and 59-67). The display information is the name, address indications, and keys being forwarded to the network manager by telephone or by any (display means) other written/verbal means (col.4, lines 7-9) In addition, the authentication process includes performing

the operations for authentication key (K1) initialization, generation of network key (Knet), and the network manager generates an authentication requesting message (col.5, lines 22-6). Thus, the key and names as taught by Bjorklund is the claimed displayed information regarding the mobile station requesting authentication to the LAN administrator for final authorization.

On page 18 of appeal brief:

The examiner traverses the argument on the 2nd paragraph, where Bjorklund does not teach the network administrator authorizing or rejecting an authentication based on information concerning an association requesting mobile station. Claim 1 recites when performing an authentication procedure before a particular mobile station initiates an association procedure. The claimed limitation merely indicates initiating an association procedure and not as appellant stated as “authorizing or rejecting an authentication based on information concerning an association”. Further, claim 1 recites authorizing or rejecting. Bjorklund teaches the authorizing of the mobile station (col.4, lines 28-31 and 59-67). The authentication-authorizing fails to further claim what is involved in the authentication-authorizing process. Thus, any type of authentication that ensures security and authenticity of the mobile requesting access is read on the claimed information for authentication-authorizing. Bjorklund teaches that the mobile station does not have the same name as another mobile terminal on the network, which is one type of authentication,

based on information that ensures the authenticity of one mobile station from another mobile because the authentication process used to verify a station does not usurp the identification of someone else (col.3, lines 42-60). In addition, Bjorklund teaches the claimed authentication-authorizing is performed before association procedure which includes the UA data is displayed and the remote mobile station name and address indication are forwarded to the network manager by any other written/verbal means (col.4, lines 22-67). Thus, Bjorklund does teach when performing an authentication procedure before a particular mobile station initiates an association procedure.

Further, the examiner traverses the argument (on the 3rd paragraph) of failing to show the display means. Bjorklund discloses the remote mobile station name and address indications are being forwarded to the network manager by telephone or by any other written/verbal means to the corresponding operator (col.4, lines 27-31) and displays information regarding the mobile station for final authorization of the authentication procedure (col.7, lines 35-67). Thus, the written/verbal means is visual to the corresponding operator, i.e., a human (col.4, lines 27-32). The written means/verbal means of Bjorklund teaches the claimed invention of the display means for displaying information for final authentication (col.7, line 66-col.8, line 2).

On page 19 of appeal brief:

Appellant have agreed that Bjorklund includes input means on page 16 (3rd paragraph), but herein on the 1st paragraph is conflicting by stating that Bjorklund reference fails to disclose the input means. The input discussed where network manager initiates the generation of authentication data (col.4, lines 5-39 and col.4, lines 46-48) and the wireless manager checks for authenticating the sending base adapter identity through computation and authentication (col.7, lines 26-62).

For the 2nd paragraph, examiner traverses appellant's argument regarding Bjorklund does not disclose the network administrator inputting an instruction concerning the authentication-authorization or the authentication rejection to an input means of an access point device associated with a LAN. Examiner traverses the appellant's argument regarding the system stops itself when a receiving station cannot confirm that the signals that is receiving actually coming from the network manager. The citation of Bjorklund (col.6, lines 59-60) shows the outcome of the authentication whether the authentication is positive or else sends warning instructions to the network administrator after the network manager initiating the generation of the authentication data to be used for network security checking (col.6, lines 41-55). The (authentication) process is not stopped(because a warning is sent)as appellant believes. As such, this does not affect what is read on claim 1.

Examiner traverses the argument on the 3rd paragraph, where Bjorklund failing to disclose any station being denied authentication for any reason. The

claimed invention recites an authentication-authorizing or a rejecting instructions. Bjorklund meets the authentication-authorizing limitation (col.7, lines 36-67) whereby retrieves the UA address where the network manager uses a predefined secure (authenticated) protocol (col.4, lines 28-31 and 59-67). In addition, the authentication process includes performing the operations for authentication key (K1) initialization, generation of network key (Knet), and the network manager generates an authentication requesting message (col.5, lines 22-6).

On page 20 of appeal brief:

In response to the After Final rejection, the examiner have not misconstrued apellant's arguments because mainly the issues brought forth is not claimed. The examiner traverses the argument where the human operator of the so-called network manager must separately and specifically authorize by the activation of an input means associated with a display on his console where each association requested by the mobile station in a particular is notified to him by the operator of that mobile station. The claimed invention fails to disclose separately and specifically authorize by the activation of an input means and fails to claim the LAN administrator or the network administrator is a human.

On the last paragraph, appellat acknowledges that the Bjorklund reference does disclose human operators at both the mobile station and the

network manager. However, the examiner is confused because in appellant's previous arguments, appellant argued as Bjorklund failing to disclose the network manager and mobile station are human operators.

On page 21 of appeal brief:

On the 1st paragraph on lines 4-8, examiner traverses appellant's argument where there is little if any doubt that the LAN administrator is a human and also traverses it is inherent if a LAN administrator is a human that there would be no reason for the LAN administrator to include a display for displaying information. Claim 1 does not recite the LAN administrator is a human. Thus, the LAN administrator may also be a software entity. However, innuendo that claim 1 does properly claim that the LAN administrator is a human, Bjorklund reference does teach this limitation. Bjorklund indicates any other written/verbal means inputted and be visual to the corresponding operator, i.e., a human (col.4, lines 27-32). Thus, the written/verbal means in Bjorklund includes a display means for displaying information and authentication-authorizing instruction for the mobile station. The display means can be entered via the input means by the network administrator where both the LAN and the network administrator is human operator (col.7, lines 13-16).

As for the 2nd paragraph, appellant indicated that the claims are to be interpreted in light of the specification that clearly indicates that the LAN

administrator is to be a human. The examiner is required to interpret what is claimed and not required to bring the specification into the claims. Although, the specification is there to explain and aids the examiner to fully understand limitations. It should be noted that examiner has indicated that claim 1 fails to recite what appellant is arguing. Claims 1-2 are entitled for what they cited, which do not include what appellant attempts to enlarge their scopes by covering the specification.

On page 22 of appellant's appeal:

On the 1st paragraph, lines 7-8, appellant indicates that appellant has not assert the fact that Bjorklund associates human operators with the various stations. Based on this, appellant contradicts the arguments regarding that Bjorklund associates human operators because on page 13, 14, 18, and 20 (last paragraph), state that appellant agrees with Bjorklund having human operators.

As for the 2nd paragraph, it is vague what appellant means by acknowledging that the Bjorklund reference may disclose a display means and input means associated with the LAN but it is contemplated that Bjorklund is clearly and simply does not disclose a display for displaying the information. Bjorklund displays information relating to the authentication request for the mobile station, the stored UA data, and remote mobile station name and address indications being forwarded to the network manager by telephone or

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by any other written/verbal means to the corresponding operator (col.4, lines 27-31). Bjorklund indicates any other written/verbal means inputted (col.4, lines 58-67) and be visual to the corresponding operator, i.e., a human (col.7, lines 13-16).

On lines 7-9 of the 2nd paragraph, examiner traverses the argument where Bjorklund failing to disclose an input means. Again, Appellant has agreed that Bjorklund includes input means on page 16, 3rd paragraph (col.4, lines 5-39 and col.4, lines 46-48).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

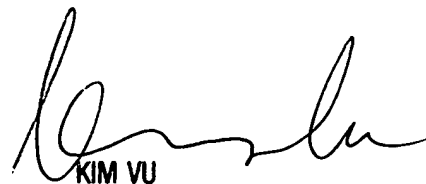
A handwritten signature in black ink, appearing to read 'Leynna Ha', with a stylized flourish at the end.

Leynna Ha

Conferees:

Kim Vu (SPE) *klv*

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